

Senate Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 26

# **SENATE BILL 1290**

AN ACT

AMENDING SECTION 37-623.02, ARIZONA REVISED STATUTES; RELATING TO WILDLAND  
FIRE SUPPRESSION REIMBURSEMENT CLAIMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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FIRE SUPPRESSION REIMBURSEMENT CLAIMS.

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1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 37-623.02, Arizona Revised Statutes, is amended to  
3 read:

4 37-623.02. Emergencies; prohibiting fireworks; liabilities and  
5 expenses; fire suppression revolving fund

6 A. On request of the state forester, the governor may authorize the  
7 state forester to incur liabilities for suppressing wildland fires and  
8 responding to other unplanned all risk activities from unrestricted monies in  
9 the state general fund whether or not the legislature is in session.

10 B. The state forester has the authority to prohibit the use of  
11 fireworks during times of high fire potential in the unincorporated areas of  
12 the state.

13 C. The state forester or the state forester's designee shall review  
14 all liabilities incurred and expenditures made under this section and shall  
15 report the expenditures to the department of administration for audit  
16 according to department of administration rules. The state forester shall  
17 transmit a copy of the report to the state emergency council.

18 D. Liabilities incurred under this section are subject to the  
19 following limitations:

20 1. Wildland fire suppression or other unplanned all risk emergency  
21 liabilities shall not exceed three million dollars of state general fund  
22 monies pursuant to subsection A of this section in a fiscal year for costs  
23 associated with suppressing wildland fires, supporting other unplanned all  
24 risk activities such as fire, flood, earthquake, wind and hazardous material  
25 responses and ~~to prepare~~ PREPARING for periods of extreme fire danger and  
26 pre-position equipment and other fire suppression resources to provide for  
27 enhanced initial attack on wildland fires. The state forester shall not  
28 incur nonreimbursable liabilities for support of nonfire all risk activities.  
29 The governor shall determine when periods of extreme fire danger exist and  
30 must approve any expenditure for pre-positioning activities.

31 2. If the funding authorization in paragraph 1 OF THIS SUBSECTION is  
32 exhausted, or if the nonreimbursable liabilities incurred exceed the cash  
33 balance of the fire suppression revolving fund, the state forester shall not  
34 incur additional liabilities without the consent of a majority of the state  
35 emergency council as authorized by section 35-192.

36 E. THE STATE FORESTER SHALL PROCESS AND PAY CLAIMS FOR REIMBURSEMENT  
37 FOR WILDLAND FIRE SUPPRESSION SERVICES AS FOLLOWS:

38 1. EXCEPT AS PROVIDED BY PARAGRAPH 2 OF THIS SUBSECTION, WITHIN THIRTY  
39 DAYS AFTER RECEIVING A COMPLETE AND CORRECT CLAIM FOR WILDLAND FIRE  
40 SUPPRESSION SERVICES, THE STATE FORESTER SHALL PAY THE CLAIM FROM AVAILABLE  
41 MONIES THAT HAVE NOT BEEN COMMITTED TO THE PAYMENT OF OTHER WILDFIRE  
42 EXPENSES.

43 2. WITHIN THIRTY DAYS AFTER RECEIVING A COMPLETE AND CORRECT CLAIM FOR  
44 WILDLAND FIRE SUPPRESSION SERVICES ON FEDERAL LANDS, THE STATE FORESTER SHALL

1 COMPLETE THE PROCESSING OF THE CLAIM AND FORWARD THE CLAIM TO THE APPROPRIATE  
2 FEDERAL AGENCY.

3 3. FOR ANY VALID CLAIM OTHER THAN FOR FEDERAL REIMBURSEMENT, IF THERE  
4 IS INSUFFICIENT FUNDING IN THE FIRE SUPPRESSION REVOLVING FUND, THE HOLDER OF  
5 THE UNPAID CLAIM SHALL BE ISSUED A CERTIFICATE PURSUANT TO SECTION 35-189.

6 ~~E.~~ F. No later than December 31 of each year the state forester shall  
7 submit a report to the joint legislative budget committee and the governor  
8 detailing the specific uses of all monies authorized to be expended from the  
9 fire suppression revolving fund and any additional monies authorized by the  
10 governor to prepare for periods of extreme fire danger and pre-position  
11 equipment and other fire suppression resources to provide for enhanced  
12 initial attack on wildland fires.

13 ~~F.~~ G. Monies received for suppressing wildland fires, pre-positioning  
14 equipment and firefighting resources and other unplanned all risk activities  
15 may be used for the purposes of section 37-623 and this section.

16 ~~G.~~ H. The state forester shall adopt rules for administering the  
17 wildland fire suppression monies authorized under this section, subject to  
18 approval of the governor.

19 ~~H.~~ I. The state forester may require reimbursement from cities and  
20 other political subdivisions of this state and state and federal agencies for  
21 costs incurred in the suppression of wildland fires, pre-suppression or  
22 unplanned all risk activities. Reimbursement shall be based on the terms and  
23 conditions in cooperative agreements, land ownership or negligence. The  
24 state forester may require reimbursement from individuals or businesses only  
25 for costs incurred in the suppression of wildland fires or unplanned all risk  
26 activities caused by their negligence or criminal acts.

27 ~~I.~~ J. A fire suppression revolving fund is established for deposit of  
28 monies received by the state forester for wildland fire suppression and  
29 pre-positioning equipment and resources and for payment for activities  
30 related to combating wildland fires and supporting other unplanned all risk  
31 activities such as fire, flood, earthquake, wind and hazardous material  
32 responses. The state forester shall not incur nonreimbursable liabilities  
33 for support of nonfire all risk activities. The state forester shall  
34 administer the fund, and all monies received for these activities shall be  
35 deposited, pursuant to sections 35-146 and 35-147, in the fund. Monies in  
36 the fire suppression revolving fund are continuously appropriated to the  
37 state forester, except that if the unobligated balance of the fund exceeds  
38 two million dollars at the end of any calendar year, the excess shall be  
39 transferred to the state general fund. Monies in the fire suppression  
40 revolving fund are otherwise exempt from the provisions of section 35-190  
41 relating to lapsing of appropriations.

APPROVED BY THE GOVERNOR JULY 9, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 9, 2009.